

**REMARKS**

**STATUS OF THE CLAIMS**

Claim 25 has been cancelled, claims 20, 24, 26, 27, 42, and 47 have been amended, and claims 48-79 have been added, as discussed further below. Support for these amendments can be found throughout the specification and claims as originally filed, and no new matter has been added.

Claims 20-24 and 26-79 are now pending.

**REJECTIONS UNDER 35 U.S.C. § 103**

Claims 20-47 were rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 3,918,896 ("Kalopissis") in view of U.S. Patent No. 5,061,289 ("Clausen"). For at least the following reasons, the claims, as amended herein, are submitted to be patentable over the combination of Kalopissis in view of Clausen.

Claims 20, 42, and 47 have been amended such that (1) the at least one oxidation base is chosen from diaminopyrazoles of formula (II) and acid addition salts thereof where  $R_5$  is chosen from a  $C_2$ - $C_4$  hydroxyalkyl radical and (2) the at least one coupler is chosen from 3-amino-2-chloro-6-methylphenol and acid addition salts thereof, as more particularly set forth in the claims. Claims 20, 42, and 47, as well as claims 21-23, 32-41, and 43-46, that depend thereon, are patentable over the combination of Kalopissis in view of Clausen at least because (a) Clausen does not disclose any embodiments of oxidation bases where  $R_5$  is a hydroxyalkyl, as claimed, and there is nothing to direct one to pick and choose from a large group of options to select these particular substituents; and (b) Kalopissis formula (I) does not include, and Kalopissis does not otherwise teach or suggest, any 2-chloro-3-amino-6-methylphenol couplers or even any isomers thereof.

New claim 48, 66, and 75 are based on original claim 20, 42, and 47, respectively, but with the limitations that the at least one coupler is chosen from 2-halo-3-aminophenols and acid addition salts thereof, as more particularly set forth in the claims. Claims 48, 66, and 75, as well as claims 24, 26, 27, 49-65, 67-74, and 76-79 which depend thereon, are patentable over Kalopissis in view of Claussen at least because the claimed **2-halo**-3-aminophenol couplers are not within the scope of Kalopissis's formula (I) (which are **6-halo**-3-aminophenols) and Kalopissis does not otherwise teach or suggest these couplers.

New claims 49, 67, and 76 further limit 48, 66, and 75, respectively, such that R<sub>1</sub> (the substituent in the 6-position of the claimed halogenated metal-aminophenol coupler) is not from hydrogen, as more particularly set forth in the claims. Claims 49, 67, and 76 are thus further distinct over the combination of Kalopissis in view of Clausen at least because 6-substituted-2-halo-metaaminophenols are not within the scope of Kalopissis's formula (I) and Kalopissis does not otherwise teach or suggest these couplers or even their isomers.

New claims 50, 68, and 77 further limit 48, 66, and 75, respectively, such that R<sub>1</sub> (the substituent in the 6-position of the claimed halogenated metal-aminophenol coupler) is chosen from a C<sub>1</sub>-C<sub>4</sub> alkyl radical, as more particularly set forth in the claims. Claims 49, 67, and 76 are thus further distinct over the combination of Kalopissis in view of Clausen at least because 6-alkyl-2-halo-metaaminophenols are not within the scope of Kalopissis's formula (I) and Kalopissis does not otherwise teach or suggest these couplers or even their isomers.

New claims 51, 69, and 78 further limit 48, 66, and 75, respectively, such that the at least one coupler is chosen from 3-amino-2-chloro-6-methylphenol and acid addition salts thereof, as more particularly set forth in the claims. Claims 51, 69, and 78 are thus further distinct over Kalopissis in view of Claussen at least because Kalopissis formula (I) does not include and

Kalopissis does not otherwise teach or suggest any 2-chloro-3-amino-6-methylphenol couplers or even any isomers thereof.

Claims 52, 70, and 79 further limit 48, 66, and 75, respectively, such that the at least one oxidation base is chosen from diaminopyrazoles of formula (II) and acid addition salts thereof where  $R_5$  is chosen from a  $C_2$ - $C_4$  hydroxyalkyl radical, as more particularly set forth in the claims. Claims 52, 70, and 79 are thus further over Kalopissis in view of Claussen at least because Clausen does not disclose any embodiments of oxidation bases where  $R_5$  is a hydroxyalkyl, as claimed, and there is nothing to direct one to pick and choose from a large group of options to select these particular substituents.

For at least the reason that all the claims are distinct over the combination disclosures of Kalopissis in view of Claussen, it is respectfully submitted that all the pending claims are allowable.

### Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully request the reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

By: 

Mark J. Feldstein  
Reg. No. 46,693

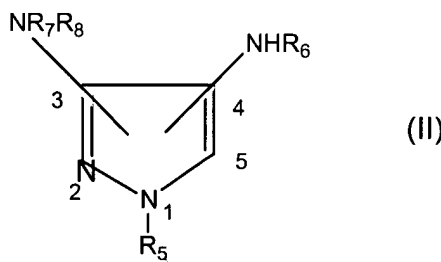
Dated: May 22, 2003

FINNEGAN  
HENDERSON  
FARABOW  
GARRETT &  
DUNNER <sup>LLP</sup>

1300 I Street, NW  
Washington, DC 20005  
202.408.4000  
Fax 202.408.4400  
www.finnegan.com

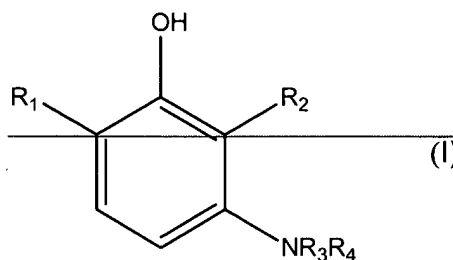
**APPENDIX – AMENDMENTS IN MARKED-UP FORMAT**

20. (Amended) A composition for the oxidation dyeing of keratin fibers comprising:  
\_\_\_\_\_ - at least one oxidation base chosen from diaminopyrazoles, ~~triaminopyrazoles,~~ of  
formula (II) and acid-addition salts thereof;



in which:

\_\_\_\_\_ - R<sub>5</sub> is chosen from a C<sub>2</sub>-C<sub>4</sub> hydroxyalkyl radical;  
\_\_\_\_\_ - R<sub>6</sub> and R<sub>7</sub>, which are identical or different, are chosen from a hydrogen atom, a  
C<sub>1</sub>-C<sub>4</sub> alkyl radical, a C<sub>2</sub>-C<sub>4</sub> hydroxyalkyl radical, a benzyl radical and a phenyl radical; and  
\_\_\_\_\_ - R<sub>8</sub> is chosen from a hydrogen atom, a C<sub>1</sub>-C<sub>6</sub> alkyl radical and a C<sub>2</sub>-C<sub>4</sub>  
hydroxyalkyl radical, and  
\_\_\_\_\_ - and at least one coupler chosen from 3-amino-2-chloro-6-methylphenol and acid  
addition salts thereof, halogenated meta-aminophenols of formula (I), and acid-addition salts  
thereof;



in which:

FINNEGAN  
HENDERSON  
FARABOW  
GARRETT &  
DUNNER LLP

1300 I Street, NW  
Washington, DC 20005  
202.408.4000  
Fax 202.408.4400  
www.finnegan.com

~~-R<sub>1</sub> and R<sub>2</sub>, which are identical or different, are chosen from a hydrogen atom, a halogen atom, a C<sub>1</sub>-C<sub>4</sub> alkyl radical, a C<sub>1</sub>-C<sub>4</sub> monohydroxyalkyl radical, a C<sub>2</sub>-C<sub>4</sub> polyhydroxyalkyl radical, a C<sub>1</sub>-C<sub>4</sub> alkoxy radical, a C<sub>1</sub>-C<sub>4</sub> monohydroxyalkoxy radical and a C<sub>2</sub>-C<sub>4</sub> polyhydroxyalkoxy radical;~~

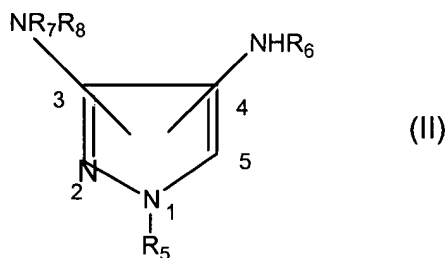
~~-R<sub>3</sub> and R<sub>4</sub>, which are identical or different, are chosen from a hydrogen atom, a C<sub>1</sub>-C<sub>4</sub> alkyl radical, a C<sub>1</sub>-C<sub>4</sub> monohydroxyalkyl radical, a C<sub>2</sub>-C<sub>4</sub> polyhydroxyalkyl radical and a C<sub>1</sub>-C<sub>4</sub> monoaminoalkyl radical;~~

~~with the proviso that at least one of said radicals R<sub>1</sub> and R<sub>2</sub> is a halogen atom.~~

24. (Amended) A composition according to Claim 4820, wherein said halogen atoms are chosen from chlorine, bromine, iodine and fluorine.

26. (Amended) A composition according to Claim 4820, wherein said diaminopyrazoles are chosen from:

a) diaminopyrazoles of formula (II), and acid addition salts thereof:



in which:

\_\_\_\_\_ - R<sub>5</sub> is chosen from a hydrogen atom, a C<sub>1</sub>-C<sub>6</sub> alkyl radical, a C<sub>2</sub>-C<sub>4</sub> hydroxyalkyl radical, a benzyl radical, a phenyl radical, a benzyl radical substituted with a halogen atom, a C<sub>1</sub>-C<sub>4</sub> alkyl radical or C<sub>1</sub>-C<sub>4</sub> alkoxy radical, or

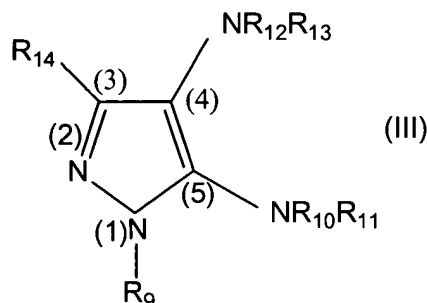
R<sub>5</sub> forms, with the nitrogen atom of the group NR<sub>7</sub>R<sub>8</sub> in position 5, a hexahydropyridazine or tetrahydropyrazole heterocycle which is optionally monosubstituted with a C<sub>1</sub>-C<sub>4</sub> alkyl group;

\_\_\_\_\_ -  $R_6$  and  $R_7$  which are identical or different, are chosen from a hydrogen atom, a  $C_1$ - $C_4$  alkyl radical, a  $C_2$ - $C_4$  hydroxyalkyl radical, a benzyl radical and a phenyl radical;

-  $R_8$  is chosen from a hydrogen atom, a  $C_1$ - $C_6$  alkyl radical and a  $C_2$ - $C_4$  hydroxyalkyl radical;

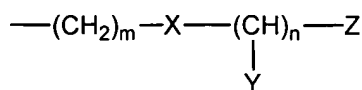
with the proviso that  $R_6$  is a hydrogen atom when  $R_5$  either is a substituted benzyl radical or forms a heterocycle with the nitrogen atom of the group  $NR_7R_8$  in position 5; and

b) diaminopyrazoles of formula (III), and acid addition salts thereof:



in which:

\_\_\_\_\_ -  $R_9$ ,  $R_{10}$ ,  $R_{11}$ ,  $R_{12}$  and  $R_{13}$ , which are identical or different, are chosen from a hydrogen atom; a linear or branched  $C_1$ - $C_6$  alkyl radical; a  $C_2$ - $C_4$  hydroxyalkyl radical; a  $C_2$ - $C_4$  aminoalkyl radical; a phenyl radical; a phenyl radical substituted with a halogen atom or a  $C_1$ - $C_4$  alkyl,  $C_1$ - $C_4$  alkoxy, nitro, trifluoromethyl, amino or  $C_1$ - $C_4$  alkylamino radical; a benzyl radical; a benzyl radical substituted with a halogen atom or with a  $C_1$ - $C_4$  alkyl,  $C_1$ - $C_4$  alkoxy, methylenedioxy or amino radical; and a radical



in which  $m$  and  $n$  are integers, which are identical or different, ranging from 1 to 3 inclusive,  $X$  is chosen from an oxygen atom and an  $NH$  group,  $Y$  is chosen from a hydrogen atom and a methyl radical, and  $Z$  is chosen from a methyl radical and a group  $OR$  or  $NRR'$  in which  $R$  and  $R'$ , which are identical or different, are chosen from a hydrogen atom, a methyl radical and an ethyl radical,

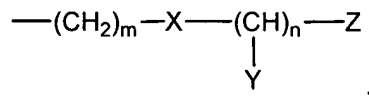
with the proviso that when  $R_{10}$  is a hydrogen atom, then  $R_{11}$  can also be an amino or  $C_1$ - $C_4$  alkylamino radical,

\_\_\_\_\_ -  $R_{14}$  is chosen from a linear or branched  $C_1$ - $C_6$  alkyl radical; a  $C_1$ - $C_4$  hydroxyalkyl radical; a  $C_1$ - $C_4$  aminoalkyl radical; a  $(C_1$ - $C_4)$ alkylamino $(C_1$ - $C_4)$ alkyl radical; a  $di(C_1$ - $C_4)$ alkylamino $(C_1$ - $C_4)$ alkyl radical; a hydroxy $(C_1$ - $C_4)$ alkylamino $(C_1$ - $C_4)$ alkyl radical; a  $(C_1$ - $C_4)$ alkoxymethyl radical; a phenyl radical; a phenyl radical substituted with a halogen atom or with a  $C_1$ - $C_4$  alkyl,  $C_1$ - $C_4$  alkoxy, nitro, trifluoromethyl, amino or  $C_1$ - $C_4$  alkylamino radical; a benzyl radical; a benzyl radical substituted with a halogen atom or with a  $C_1$ - $C_4$  alkyl,  $C_1$ - $C_4$  alkoxy, nitro, trifluoromethyl, amino or  $C_1$ - $C_4$  alkylamino radical; a heterocycle chosen from thiophene, furan and pyridine; and a radical  $-(CH_2)_p-O-(CH_2)_q-OR''$ , in which  $p$  and  $q$  are integers, which are identical or different, ranging from 1 to 3 inclusive, and  $R''$  is chosen from a hydrogen atom and a methyl radical;

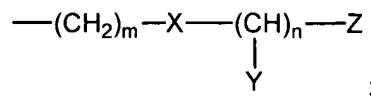
with the provisos that, in formula (III),

\_\_\_\_\_ - at least one of the radicals  $R_{10}$ ,  $R_{11}$ ,  $R_{12}$  and  $R_{13}$  is a hydrogen atom;

\_\_\_\_\_ - when  $R_{10}$ , or  $R_{12}$ , respectively, is a substituted or unsubstituted phenyl radical, or a benzyl radical or a radical



then  $R_{11}$ , or  $R_{13}$ , respectively, is not a substituted or unsubstituted phenyl radical, or a benzyl radical or a radical



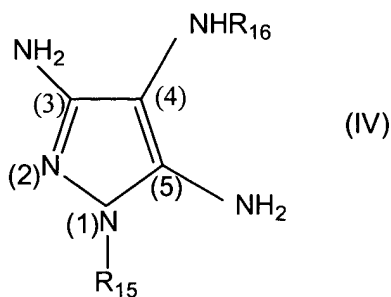
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\_\_\_\_\_ - when  $R_{12}$  and  $R_{13}$  simultaneously represent a hydrogen atom, then  $R_9$  can form, with  $R_{10}$  and  $R_{11}$ , a hexahydropyrimidine or tetrahydroimidazole heterocycle which is optionally substituted with a  $C_1$ - $C_4$  alkyl or 1,2,4-tetrazole radical;

\_\_\_\_\_ - when  $R_{10}$ ,  $R_{11}$ ,  $R_{12}$  and  $R_{13}$  represent a hydrogen atom or a  $C_1$ - $C_6$  alkyl radical, then  $R_9$  or  $R_{14}$  can also represent a 2-, 3- or 4-pyridyl, 2- or 3-thienyl or 2- or 3-furyl heterocyclic residue which is optionally substituted with a methyl radical or a cyclohexyl radical.

27. (Amended) A composition according to Claim 4820, wherein said triaminopyrazoles are chosen from compounds of formula (IV), and acid addition salts thereof:



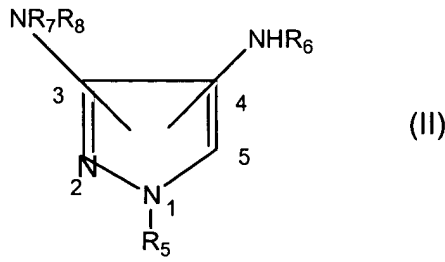
in which:

\_\_\_\_\_ -  $R_{15}$  and  $R_{16}$ , which are identical or different, are chosen from a hydrogen atom, a  $C_1$ - $C_4$  alkyl and a  $C_2$ - $C_4$  hydroxyalkyl radical.

42. (Amended) A method for dyeing keratin fibers, comprising:

(a) applying to said keratin fibers at least one dye composition, which comprises

\_\_\_\_\_ - at least one oxidation base chosen from diaminopyrazoles of formula (II); triaminopyrazoles; and acid-addition salts thereof;





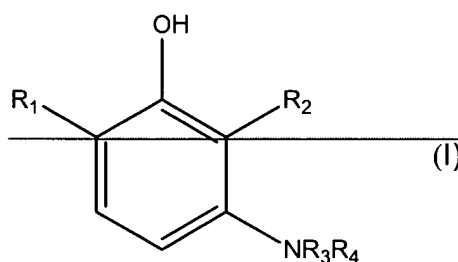
in which:

- R<sub>5</sub> is chosen from a C<sub>2</sub>-C<sub>4</sub> hydroxyalkyl radical;

- R<sub>6</sub> and R<sub>7</sub>, which are identical or different, are chosen from a hydrogen atom, a C<sub>1</sub>-C<sub>4</sub> alkyl radical, a C<sub>2</sub>-C<sub>4</sub> hydroxyalkyl radical, a benzyl radical and a phenyl radical; and

- R<sub>8</sub> is chosen from a hydrogen atom, a C<sub>1</sub>-C<sub>6</sub> alkyl radical and a C<sub>2</sub>-C<sub>4</sub> hydroxyalkyl radical, and

- and at least one coupler chosen from 3-amino-2-chloro-6-methylphenol and acid addition salts thereof; and halogenated meta-aminophenols of formula (I), and acid addition salts thereof;



in which:

~~- R<sub>1</sub> and R<sub>2</sub>, which are identical or different, are chosen from a hydrogen atom, a halogen atom, a C<sub>1</sub>-C<sub>4</sub> alkyl radical, a C<sub>1</sub>-C<sub>4</sub> monohydroxyalkyl radical, a C<sub>2</sub>-C<sub>4</sub> polyhydroxyalkyl radical, a C<sub>1</sub>-C<sub>4</sub> alkoxy radical, a C<sub>1</sub>-C<sub>4</sub> monohydroxyalkoxy radical and a C<sub>2</sub>-C<sub>4</sub> polyhydroxyalkoxy radical;~~

~~- R<sub>3</sub> and R<sub>4</sub>, which are identical or different, are chosen from a hydrogen atom, a C<sub>1</sub>-C<sub>4</sub> alkyl radical, a C<sub>1</sub>-C<sub>4</sub> monohydroxyalkyl radical, a C<sub>2</sub>-C<sub>4</sub> polyhydroxyalkyl radical and a C<sub>1</sub>-C<sub>4</sub> monoaminoalkyl radical;~~

~~with the proviso that at least one of said radicals R<sub>1</sub> and R<sub>2</sub> is a halogen atom;~~

~~and~~

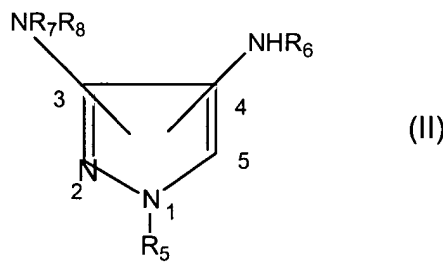
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(b) developing a color at an acidic, neutral or alkaline pH with the aid of an oxidizing agent, wherein said oxidizing agent is added to said at least one dye composition at the time of application of said composition, or wherein said oxidizing agent is present in an oxidizing composition, and wherein said oxidizing composition is applied simultaneously or sequentially with said at least one dye composition.

47. (Amended) A multi-compartment kit for dyeing keratin fibers, comprising at least two compartments, wherein one compartment comprises an oxidizing composition, and another compartment comprises a composition for the oxidation dyeing of keratin fibers, said composition for the oxidation dyeing of keratin fibers comprising:

\_\_\_\_\_ - at least one oxidation base chosen from diaminopyrazoles, ~~triaminopyrazoles~~, of formula (II) and acid-addition salts thereof;



in which:

\_\_\_\_\_ - R<sub>5</sub> is chosen from a C<sub>2</sub>-C<sub>4</sub> hydroxyalkyl radical;

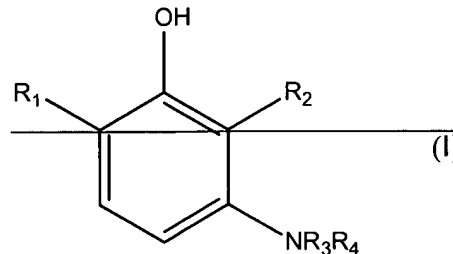
\_\_\_\_\_ - R<sub>6</sub> and R<sub>7</sub>, which are identical or different, are chosen from a hydrogen atom, a C<sub>1</sub>-C<sub>4</sub> alkyl radical, a C<sub>2</sub>-C<sub>4</sub> hydroxyalkyl radical, a benzyl radical and a phenyl radical; and

\_\_\_\_\_ - R<sub>8</sub> is chosen from a hydrogen atom, a C<sub>1</sub>-C<sub>6</sub> alkyl radical and a C<sub>2</sub>-C<sub>4</sub> hydroxyalkyl radical, and

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\_\_\_\_\_ - and at least one coupler chosen from 3-amino-2-chloro-6-methylphenol and acid addition salts thereof, ~~halogenated meta aminophenols of formula (I), and acid addition salts thereof;~~



in which:

~~-R<sub>1</sub> and R<sub>2</sub>, which are identical or different, are chosen from a hydrogen atom, a halogen atom, a C<sub>1</sub>-C<sub>4</sub> alkyl radical, a C<sub>1</sub>-C<sub>4</sub> monohydroxyalkyl radical, a C<sub>2</sub>-C<sub>4</sub> polyhydroxyalkyl radical, a C<sub>1</sub>-C<sub>4</sub> alkoxy radical, a C<sub>1</sub>-C<sub>4</sub> monohydroxyalkoxy radical and a C<sub>2</sub>-C<sub>4</sub> polyhydroxyalkoxy radical;~~

~~-R<sub>3</sub> and R<sub>4</sub>, which are identical or different, are chosen from a hydrogen atom, a C<sub>1</sub>-C<sub>4</sub> alkyl radical, a C<sub>1</sub>-C<sub>4</sub> monohydroxyalkyl radical, a C<sub>2</sub>-C<sub>4</sub> polyhydroxyalkyl radical and a C<sub>1</sub>-C<sub>4</sub> monoaminoalkyl radical;~~

~~with the proviso that at least one of said radicals R<sub>1</sub> and R<sub>2</sub> is a halogen atom.~~